

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

QUINCY C. VAUGHN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:19-CV-02566 JAR
)	
THOMAS GULLETT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff’s motion for appointment of counsel (Doc. No. 149), motions to compel (Doc. Nos. 151, 154), and motion for leave to amend his complaint (Doc. No. 153). Plaintiff asserts that he is being denied access to his legal materials, without which he cannot plead his case. Understanding that because of his recent transfer from the Eastern Reception Diagnostic and Correctional Center to the Southeast Correctional Center, Plaintiff may not have been able to gain access to any or all of his legal material, the Court will grant Plaintiff a 90-day extension of time to draft his legal filings in this matter and deny his motions to compel and for appointment of counsel as moot.

Plaintiff also seeks leave to amend his complaint to allege compensatory damages in the amount of \$3,000,000. Plaintiff states that due to an oversight, his request was not included in his original pleading. In his amended complaint, which is the operative complaint, Plaintiff requested \$800,000 in actual damages and \$3,000,000 in punitive damages. (Doc. No. 17 at 10). The Court notes that the Federal Rules of Civil Procedure provide that “every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in the party’s pleadings.” Fed. R. Civ. P. 54(c). Should Plaintiff ultimately prevail in

this action, the Court will reassess his request for increased damages against Defendants. Since Plaintiff's proposed amendment was sought over nine months after Defendants' Answer was filed and does not add to or change the factual or legal bases of his claims as presented in his original complaint, his Motion to Amend, and any actual amendment, is untimely and unnecessary, and will be denied.


Accordingly,

IT IS HEREBY ORDERED that the deadline for filing dispositive motions is extended from November 5, 2021 to **February 3, 2022**.

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel [149] and motions to compel [151, 154] are **DENIED** as moot.

IT IS FINALLY ORDERED that Plaintiff's motion for leave to amend his complaint [153] is **DENIED**.

Dated this 12th day of October, 2021.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE